Notice of Reasons for Rejection

Mailed on August 3, 2010

Japanese Patent Application No. 2005-515326

Draft Date: July 30, 2010

The Examiner of Patent Office: Shoichi GOKAN 9368 5D00

Attorneys: Etsuji KOTANI (and other three persons)

Article to be Applied: Art. 29, 2nd paragraph, Art. 37

This application is rejected for the following reasons. If you have arguments against the rejection, you must file a response within sixty (60) days from the mailing date of this notification.

Reasons for Rejection

Reason 1

This application fails to meet the requirement defined in the provision of the Art. 37 of the Japanese Patent Law in the following point.

Note

"The specific technical feature" of the invention defined in claim 1 is a "switching device having a hard magnetic member, and a magnetizing member that magnetizes and demagnetizes the hard magnetic member". It seems that the inventions defined in claims 5 through 9 do not have an identical or corresponding specific technical feature of the invention

defined in claim 1.

As described above, since the invention defined in claim 1, and the inventions defined in claims 5 through 9 do not correspond to one group of inventions which meets the requirement for unity of invention, this application does not meet the requirement under the provision of the Art. 37.

Since this application does not meet the requirement under the provision of the Art. 37, examination on the requirement other than the requirement under the Art. 37 has not been made for the inventions defined in claims 5 through 9.

Reason 2

The inventions defined by claims 1 through 4, and 10 through 28 of the present application are rejected under the provision of the Art. 29, 2nd paragraph of the Japanese Patent Law on the grounds that the claimed invention could easily have been made, prior to the filing of the present application, by a person skilled in the art who has a common knowledge in the technical field to which the invention pertains, on the basis of inventions which were described in a distributed publication in Japan prior to the filing of the present application.

Cited references:

- 1. Japanese Unexamined Patent Publication No. 2003-67969
- 2. Japanese Unexamined Patent Publication No. 2003-75747
- 3. Japanese Unexamined Patent Publication No. Hei 9-152505

Concerning the inventions defined in claims 1, 2, 11, 13, 14, 17, and 24 through 28:

The cited reference 1 discloses a deformable mirror constituted of a coil, and a substrate having ferromagnetism and formed with a reflection film (see paragraphs 0005, 0009, 0012, and 0039; and FIGS. 1 and 18)

In the technical field of electromagnetic driving devices, it is well known to provide an arrangement (see the section A), before the filing date of this application, wherein a movable member having ferromagnetism is resiliently supported; a hard magnetic member, and a magnetizing member that magnetizes and demagnetizes the hard magnetic member are provided on a fixing portion; and the magnetizing member is magnetized only when the position of the movable member is changed.

It seems impossible to find the grounds for a remarkable advantage of the invention defined in each of the claims over the cited reference 1 and the arrangement obtained based on the well-known art. Accordingly, no inventive step of the invention defined in each of the claims can be found over the cited reference 1 and the arrangement obtained based on the well-known art.

A: Prior Art Documents

Japanese Unexamined Patent Publication No. Sho 52-105326

(see from line 10, upper left column to line 10, upper right column in page 3, and FIG. 1)

Japanese Unexamined Patent Publication No. Hei 6-17959 (see paragraphs 0013 through 0015, and FIGS. 1 and 2)

Japanese Unexamined Patent Publication No. Hei 6-20829

(see paragraphs 0013 through 0015, and FIGS. 1 and 2)

Concerning the inventions defined in claims 3, 4, and 12:

Since the arrangement using a "sub coil" in the technical field of electromagnets is well known before the filing date of this application, there is no specific difference between the invention defined in each of the claims, and the well-known art.

Concerning the invention defined in claim 10:

It seems impossible to find the grounds for a specific difference between the invention defined in claim 10, and the well-known art.

Concerning the inventions defined in claims 15 and 16:

It is well known, before the filing date of this application, to provide a member constituted of plural constituent elements symmetrically arranged with respect to both surfaces of the member, so as to prevent deflection of the member resulting from a difference in thermal expansion coefficient between the constituent elements, as shown in a substrate structure of DVD.

Concerning the inventions defined in claims 18 and 23 ... the cited references 1 and 2:

See paragraph 0057 and FIG. 20 in the cited reference 2 concerning the inventions defined in claims 18 and 23.

Concerning the inventions defined in claims 19 and 20 ... the cited

references 1 through 3:

See paragraph 0081 through 0083, and FIG. 18 in the cited reference 3 concerning the inventions defined in claims 19 and 20.

Concerning the inventions defined in claims 21 and 22:

It seems impossible to find the grounds for a specific difference between the inventions defined in claims 21 and 22, and the well-known art.

The Record of the Search Result of the Prior Art Documents

• The Field of the Search IPC G11B 7/125
G11B 7/135

This record of the search result of the prior art documents does not constitute the reasons for rejection.

拒絕理由通知書

特許出願の番号

特願2005-515326

起案日

平成22年 7月30日

特許庁審查官

五貫 昭一

9368 5D00

22.8.**U**3

特許出願人代理人

小谷 悦司(外 3名) 様

適用条文

第29条第2項、第37条

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から60日以内に意見書を提出してください。

理由

イ. この出願は、下記の点で特許法第37条に規定する要件を満たしていない。 記

請求項1に係る発明の「特別な技術的特徴」は、「硬質磁性部材と、この硬質磁性部材の着磁及び消磁を行う着磁部材とを有してい」る「切換装置」であるところ、請求項5~9に係る発明が、請求項1に係る発明と同一の又は対応する特別な技術的特徴を有しているとは認められない。

したがって、請求項1に係る発明と請求項 $5\sim9$ に係る発明とは発明の単一性の要件を満たす一群の発明に該当しないから、この出願は特許法第37条に規定する要件を満たさない。

なお、この出願は特許法第37条の規定に違反しているので、請求項5~9に 係る発明については特許法第37条以外の要件についての審査を行っていない。

口. この出願の請求項 $1\sim4$ 、 $10\sim28$ に係る発明は、その出願前に日本国内において頒布された下記の刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記

引用文献:

- 1. 特開2003-67969号公報
- 2. 特開2003-75747号公報
- 3. 特開平9-152505号公報

請求項1、2、11、13、14、17、24~28に係る発明について

引用文献1には、コイルと、強磁性体で作られ、反射膜を設けられた基板とから成る可変形状鏡が記載されている(段落番号0005、0009、0012、0039、及び、図1、図18参照。)。

電磁駆動装置の技術分野において、強磁性体で作られた可動部材を弾性支持すると共に、硬質磁性部材と、この硬質磁性部材の着磁及び消磁を行う着磁部材を固定部に設け、可動部材の位置を変更する時にのみ着磁部材に通電する構成とすることは、本願出願前に周知(A欄参照。)である。

そして、引用文献1と周知技術に基づいて得られる構成に比して、当該各請求項に係る発明が顕著な効果を奏し得ると認めるべき根拠は見出せないから、当該各請求項に係る発明が、引用文献1と周知技術に基づいて得られる構成に比して進歩性を有しているとは認められない。

A:文献例

特開昭52-105326号公報

(第3頁左上欄第10行~右上欄第10行、第1図参照。)

特開平6-17959号公報

(段落番号0013~0015、図1、図2参照。)

特開平6-20829号公報

(段落番号0013~0015、図1、図2参照。)

請求項3、4、12に係る発明について

電磁石の技術分野において「サブコイル」を用いる構成は本願出願前に広く周知であるから、当該各請求項で規定される事項に格別の差異を認めることはできない。

請求項10に係る発明について

当該請求項で規定される事項に格別の差異を認めるべき根拠は見出せない。

請求項15、16に係る発明について

複数の構成要素から成る部材において、構成要素間の熱膨張率の差異を原因とする部材の反りを防ぐべく、この部材の構成を表裏対称なものとすることは、D VDの基板構造に見られる様に、本願出願前に周知のものである。

請求項18、23に係る発明について……上記引用文献1、2

当該各請求項で規定される事項については、引用文献 2 の段落番号 0 0 5 7 、及び、図 2 0 参照。

請求項19、20に係る発明について……上記引用文献1~3

当該各請求項で規定される事項については、引用文献3の段落番号0081~ 0083、及び、図18参照。

請求項21、22に係る発明について

当該各請求項で規定される事項に格別の差異を認めるべき根拠は見出せない。

先行技術文献調査結果の記録

・調査した分野 IPC G11B 7/125 G11B 7/135

この先行技術文献調査結果の記録は拒絶理由を構成するものではありません。